

*Water and Natural Resources Committee*  
*October 6, 2014*  
*Las Vegas, NM*  
*New Mexico Acequia Commission Presentation*  
*Ralph Vigil, Chairman*

“Acequias are the life-line of the cultural traditions and heritage of New Mexico. Through acequias, we have maintained our ancestors’ will and ability to survive in our arid environment for centuries. Not only did they survive, they knew how to manage water effectively, efficiently, fairly and in a compromising manner in which all parcientes were allowed the ability to take care of their families. This is what we want to continue through our Native American and Hispanic cultures, through the New Mexico Acequia Commission.”

Ralph Vigil, Chairman  
New Mexico Acequia Commission  
2014

Mr. Chair, members of the Committee, I am Ralph Vigil, chairman of the New Mexico Acequia Commission.

Background and History of NMAC - The New Mexico Acequia Commission was created in 1987 to advise the governor pursuant to executive order 88-06, the New Mexico Interstate Stream Commission and the U.S. Army Corps of Engineers on what criteria should be used to determine priorities for rehabilitating acequias under a new federal funding program. The Acequia Commission was established by statute by the 1993 Legislature as an eleven member commission serving four-year terms.

The Acequia Commission was also charged with the duties of serving as a facilitator for communication between local acequia organizations and the state and federal governments, and with reviewing and commenting on plans or legislation that affect acequias and to the governor, the legislature, the secretary of agriculture and the Interstate Stream Commission. We are an entity created by state legislation, with a statutorily mandated charge and not to be confused with the New Mexico Acequia Association which is a non-profit organization.

**Statute establishing New Mexico Acequia Commission**

**73-2-65 . Acequia commission; created; membership; terms.**

A. There is created the "acequia commission", which is administratively attached to the local government division of the department of finance and administration.

B. The acequia commission shall be appointed by the governor and shall consist of eleven members who reside in the irrigated areas of the state containing acequias. Members shall own

land irrigated from an acequia or community ditch organized pursuant to a ditch or acequia statute. Each member appointed by the governor shall serve a term of four years.

C. The initial appointments to the acequia commission shall include the ten persons serving as members of the governor's acequia commission, organized pursuant to executive order 88-06, and one member of the public who has a background in business. Of the initial appointees, four members shall be appointed by lot for two-year terms, four members shall be appointed by lot for three-year terms and three members shall be appointed by lot for four-year terms.

D. The acequia commission shall meet at the call of the chairman not less than quarterly and not more than once a month. The chairman shall be elected from among the members of the commission.

**History:** Laws 1993, ch. 293, § 1.

### **73-2-66 . Powers and duties.**

The acequia commission shall:

A. provide advice and assist the governor, legislature, office of the state engineer and interstate stream commission and the United States army corps of engineers in establishing acequia and community ditch rehabilitation priorities and other acequia and community ditch matters;

B. serve as a facilitator for communication between acequia and community ditch associations and state and federal agencies; and

C. review and comment on any plan or legislation affecting acequias or community ditches to the governor, the legislature, the secretary of agriculture and the interstate stream commission.

**History:** Laws 1993, ch. 293, § 2.

### **73-2-67 . Legal counsel.**

The office of the attorney general shall represent and be the legal advisor to the acequia commission.

**History:** Laws 1993, ch. 293, § 3.

### **73-2-68 . Per diem.**

The members of the acequia commission shall be paid in accordance with the Per Diem and Mileage Act [[10-8-1](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

**History:** Laws 1993, ch. 293, § 4.

The New Mexico Acequia Commission, a group of local acequia members appointed by the Governor to advise the state on matters affecting the acequia and ditch associations throughout New Mexico is administratively attached to the Local Government Division of the Department of Finance and Administration (DFA).

Many acequias are in litigation for deciding water rights in their areas. The Commission reviews each acequia for its current level of litigation, level of litigation expected in the next year, and amount of work needed to amend, correct or adjudicate omitted water rights.

Commission issues include:

1. Ditch Repairing and Technical Assistance
2. Communication and Education
3. Legislative Review

The Capital Outlay Bureau provides staff support from the Local Government Division to the New Mexico Acequia Commission.

In the past the commission has printed and distributed Michie's Statutes of New Mexico that pertain to acequias. The Commission has conducted listening sessions throughout the State to hear acequia concerns - Report to be developed by Commission and furnished to OSE, Legislature and Governor. Commission members have attended OSE/ISE meetings concerning acequias. The Commission has been tasked by Legislature to serve as mediator on Middle Rio Grande Conservancy/acequia dispute which was successfully resolved. The Commission has been asked by local acequia groups to assist them on conflict resolution between acequias. The Commission has testified before the Legislature on legislative issues pertaining to the acequias. The Commission members have served as members of the Acequia and Community Ditch Fund Committee. In cooperation with DFA and the commission oversee and review the effectiveness of Acequia and Community Education Program.

The commission's role seems to be growing as we make a greater effort to participate as mandated by statute and to address the issues the current drought and demand for water is having on acequias throughout the state. Lack of adequate funding has constricted our ability to participate fully in the past. Only in recent times, have we had funding for contract staff to move our efforts forward. The commission's current contract staff has done an excellent job in that respect, however more funding would be needed if a staff person were committed (full/part time) to address the administrative needs of the commission. While the increase in funding is substantial from previous years, more would be needed to fully address the needs of the commission. A fair amount of money is being put into the Acequia and Community Education Program, which is currently contracted out to The New Mexico Acequia Association to perform this work. The Commission feels that if it is adequately funded it can serve a lot of these needs.

The NMAC has held its meetings throughout the state in order to accommodate the parcientes and their needs. We have met with the current State Engineer (Scott Verhines) and his staff, along with the Interstate Stream Commission Director (Estevan Lopez) and his staff to express our need to work collaboratively in addressing the acequia needs throughout the state and ensure we are part of the State Water Plan. Acequias have been the lifeline and sustenance of our lifestyle in New Mexico for generations, hundreds of years. It is critical this is recognized as a part of any water planning the State undergoes in the future, ensuring acequias are a staple of the water planning.

### **Program Support:**

It is anticipated the NMAC will continue to travel throughout the State to allow input from the various acequias as to what their priorities are for assistance. We have a very active Board,

whose members include: Ralph Vigil, Chair, Mary Mascarenas, Vice-Chair, Jackie Powell, William Gonzales, Eric Romero, Juan Sanchez, Fred Vigil, Joseph Padilla, Kenneth Stockton and Narciso Quintana. These Commissioners have taken their role as the authority to provide statutory recommendations to an unprecedented level. We ask you to allocate the required budget to ensure we have the lifeline of this great State continue in perpetuity, through your children, grandchildren and great grandchildren for generations to come.

The NMAC recommends that all Acequia funding, through NMFA, Water Trust Board, ISE, and OSE, and other sources, be placed under the auspices of the NMAC. This is the charge given by the establishment of the NMAC and we should not piece-meal the funding or the consolidation of all acequia related funding and projects through entities whose charge is limited to acequia related projects and policy.

Recently, we have discussed the potential of economic development opportunities for acequias throughout the State of NM, a topic discussed by many policy makers, federal, state and local officials. In order to fulfill this opportunity, we want to ensure we do not lose opportunities for local farmers who want to develop entrepreneurial opportunities for their communities and themselves.

Regionalization of acequias has also been a topic of discussion and this will ensure water in a specific water basin stays within that basin and allows for the economic development opportunities I discussed above.

The involvement of the NMAC in the forest plan meetings is of significant importance to acequias. Land grants are also an important aspect of this planning process. At present, acequias and land grants are not considered by these plans. The parcientes and heirs are not being allowed on the land once it is designated a Wilderness area to act as the stewards they have for hundreds of years to maintain the land and structures on it.

For these reasons, you can see the imperative and critical importance illustrated for the need for additional funding and why these issues are so critically important to acequias.

Currently DFA has pulled back a substantial amount of support to a number of commissions and it is only a matter of time that the executive will require all boards and commissions to function independently of DFA. At this time it is not known what financial impact that will have on the commission, but should the commission be required to deal with its own budget, per diem/mileage and other responsibilities that have been performed by DFA in the past more staff time will be needed in order to accomplish this.

It is anticipated during FY16 and the foreseeable future the commission will continue to travel throughout the State to allow input from the various acequias as to what their priorities are for assistance. The additional funding will allow for per diem expenses be paid to the Commissioners and for an increased staff support. Additionally, with the request for an additional two Commissioners from the Governors Boards and Commissions, we will have two

additional Commissioners whose per diem will be paid.

The NMAC has submitted a budget request to the LFC and DFA. The budget request for FY16 also outlines the funds required to create an independent Commission for the first time since the NMAC was created. Commissioners time is limited and a full time staff will ensure that the NMAC and it's statutory responsibilities are fulfilled.